

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

IN RE: FOLGERS COFFEE MARKETING
LITIGATION

Case No.: 4:21-md-02984-BP

The Honorable Beth Phillips

This Document Relates to All Matters

PLAINTIFFS' MOTION FOR SUGGESTION OF REMAND

Plaintiffs Shelly Ashton, A. Kevin Fahey, Ellen Moser, Marcia Sorin, Frederick Tan, and Geoff Thomson respectfully request that this Court issue a suggestion of remand to the Judicial Panel on Multidistrict Litigation (“JPML”) recommending that the *Ashton*, *Fahey*, *Moser*, *Sorin*, *Tan*, and *Thomson* actions in this multidistrict litigation (“MDL”) be remanded for all purposes to the respective transferor courts, including, *inter alia*, the United States District Courts for the Central District of California (the *Ashton* and *Tan* actions), the District of Columbia (the *Fahey* action), the Northern District of Illinois (the *Moser* action), the Southern District of Florida (the *Sorin* action), and the Eastern District of Texas (the *Thomson* action).

The present MDL, pending since April 2021, is appropriate and ripe for remand because: (1) the pretrial matters common to all putative classes have been resolved; (2) the putative classes no longer benefit from coordinated proceedings, as the remaining issues relevant to certification of the putative classes involve questions of application of state law that are best left to the transferor District Courts sitting in the relevant jurisdictions; (3) the granting of Folgers’ Rule 23(f) Petition and subsequent appeal will invariably delay resolution of the remaining MDL actions and remand

would allow the parties to continue litigation, thereby promoting the just and efficient resolution of those actions.

WHEREFORE, Plaintiffs respectfully request the Court suggest to the JPML that the *Ashton v. The J.M. Smucker Co.*, No. 5:20-cv-00992 (C.D. Cal.); *Tan v. The Folger Coffee Co.*, No. 2:20-cv-09370 (C.D. Cal.); *Sorin v. The Folger Coffee Co.*, No. 9:20-cv-80897 (S.D. Fla.); *Moser v. The J.M. Smucker Co.*, No. 1:20-cv-07074 (N.D. Ill.); *Thomson v. The Folger Coffee Co.*, No. 1:21-cv-00009 (E.D. Tex.); and *Fahey v. The Folgers Coffee Co.*, No. 1:20-cv-03620 (D.D.C.) actions at Case No. 4:21-md-02984-BP (MDL No. 2984) be remanded to the respective transferor courts for all further proceedings and for all other relief the Court deems just and proper.

Dated: September 16, 2024

/s/ Tim E. Dollar

Tim E. Dollar, MO # 33123

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 16, 2024, I electronically filed the above and foregoing document via the Court's CM/ECF system, which will send notification of said filing to all counsel of record.

/s/ Tim E. Dollar

Counsel for Plaintiffs